

002/N: D188/4

BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES OF THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

Case No: 002/19-09-2007-ECCC-OCIJ **Party Filing:** Defence for Ieng Thirith
Filed to: Office of the Co-Investigating Judges **Original language:** English
Date of Document: 16 September 2009

CLASSIFICATION

Classification of the document suggested by the filing party: Confidential
Classification by Chamber:
Classification Status:
Review of Interim Classification:
Records Officer Name:
Signature:

សាធារណៈ
PUBLIC
26/01/2010 CML

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... 16 / 09 / 2009
ម៉ោង (Time/Heure) : 15:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. Juy

DEFENCE OBJECTION TO JURISDICTION ARGUMENT IN CIVIL PARTIES' SECOND INVESTIGATIVE REQUEST CONCERNING FORCED MARRIAGES

Filed by:

Defence for Ieng Thirith:
PHAT Pouv Seang
Diana ELLIS, QC

Distribution to:

Co-Investigating Judges:
YOU Bun Leng
Marcel Lemonde


(Acting) Co-Prosecutors:
CHEA Leang
William SMITH

Defence for other charged persons

Civil Party Lawyers and Unrepresented Civil Parties

ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):
..... 26 / 01 / 2010
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SA N.N. RADA

1. On 30 April 2009, the Office of the Co-Prosecutors (OCP) filed a Supplementary Submission requesting the Office of the Co-Investigating Judges (OCIJ) to investigate several specific complaints relating to forced marriages and forced sexual relations.¹ On 15 July 2009, the Co-Lawyers for some of the Civil Parties filed a 'Second Request for Investigative Actions Concerning Forced Marriages and Forced Sexual Relations' (Civil Parties Request).² In the Civil Parties Request, a 'full investigation on the existence of crimes of forced marriage' is requested.³
2. The defence for Madame Ieng Thirith submits that the ECCC does not have jurisdiction over these alleged crimes. However, she has been charged in the Supplementary Submission, hence the OCIJ is seized with the facts and must investigate them.
3. The defence submits that, although the Civil Parties Request argues extensively that the ECCC has jurisdiction to try the alleged crimes, this is not the right time for the defence to respond on the issue, and hence the defence will not respond to substance of the Civil Parties Request. The defence seeks confirmation that they can reserve the right to raise this issue at the Initial Hearing, or at any other stage where they consider such argument appropriate, should it become necessary to do so.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	16 September 2009	PHAT Pouv Seang Diana ELLIS, QC	Phnom Penh	

¹ Co-Prosecutors' Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 30 April 2009, Document No. D146/3.

² Second Request for Investigative Actions Concerning Forced Marriages and Forced Sexual Relations, 15 July 2009, Document No. D188.

³ Civil Parties Request, para. 31 under (a).